

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

STATE OF ARIZONA, *et al.*,

PLAINTIFFS,

v.

MERRICK GARLAND, in his official
capacity as Attorney General of the United
States, *et al.*,

DEFENDANTS.

CIVIL ACTION NO. 6:22-cv-01130

**PLAINTIFF STATES' CORRECTED MOTION FOR PRELIMINARY INJUNCTION
AND TO EXPEDITE**

The States of Arizona, Louisiana, Missouri, Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Mississippi, Montana, Nebraska, Oklahoma, South Carolina, Utah, West Virginia, and Wyoming (collectively, "Plaintiff States"), respectfully move for an order under Federal Rule of Civil Procedure 65 for a preliminary injunction, with expedited consideration, in their favor against the named Defendants, or alternatively, Plaintiff States request a delay in the effective date of Defendants' Interim Final Rule (the "Asylum IFR"), 87 Fed. Reg. 18,163 (Mar. 29, 2002) pending issuance of a final judgment in this case.

As explained in the First Amended Complaint ("FAC") and the attached Memorandum, Defendants have violated the Administrative Procedure Act, *inter alia*, because the Asylum IFR (1) is in excess of statutory authority, (2) violates the APA's requirement of notice-and-comment rulemaking procedures, and (3) is arbitrary and capricious because, among other things, it failed to consider the harms that the Asylum IFR would inflict upon States and their reliance interests in the current asylum system and failed to consider the immigration consequences of the IFR.

This Motion is made on the grounds specified herein, the FAC and other documents on file, the accompanying Memorandum of Law, the exhibits attached to the FAC and to this Motion, all matters of which this Court may take judicial notice, and such other argument and evidence on which the Court may properly rely. Plaintiff States are substantially likely to prevail on the merits of their claims. Preliminary injunctive relief, or a delay in the IFR's effective date, is necessary to avoid substantial injuries to Plaintiff States' sovereign, quasi-sovereign, and proprietary interests. The public interest and balance of harms favor an order compelling Defendants to follow the law.

For the foregoing reasons, Plaintiff States respectfully request a preliminary injunction, without bond, enjoining Defendants from giving effect to the Asylum IFR, or alternatively, that the effective date of the Asylum IFR be delayed until final resolution of this action. To avoid irreparable harm, Plaintiff States further request that this motion be decided on an expedited basis and that it be resolved before the Asylum IFR's effective date of **May 31, 2022**.

Dated: May 13, 2022
Corrected: May 17, 2022

MARK BRNOVICH
Attorney General
BRUNN ("BEAU") W. ROYSDEN III *
Solicitor General
DREW C. ENSIGN *
Deputy Solicitor General
JAMES K. ROGERS *
Senior Litigation Counsel
OFFICE OF THE ARIZONA ATTORNEY
GENERAL
2005 North Central Avenue
Phoenix, AZ 85004
beau.roysden@azag.gov
drew.ensign@azag.gov
james.rogers@azag.gov
Counsel for Plaintiff State of Arizona

STEVE MARSHALL
Alabama Attorney General
EDMUND G. LACOUR JR.*
Solicitor General
OFFICE OF THE ATTORNEY GENERAL
STATE OF ALABAMA
501 Washington Avenue
P.O. Box 300152
Montgomery, Alabama 36130-0152
Telephone: (334) 242-7300
Edmund.LaCour@AlabamaAG.gov
Counsel for Plaintiff State of Alabama

Respectfully submitted,

By: /s/ Joseph S. St. John

ELIZABETH B. MURRILL (La #20685)
Solicitor General
J. SCOTT ST. JOHN (La #36682)
Deputy Solicitor General
LOUISIANA DEPARTMENT OF JUSTICE
1885 N. Third Street
Baton Rouge, Louisiana 70804
Tel: (225) 326-6766
murrille@ag.louisiana.gov
stjohnj@ag.louisiana.gov
Counsel for Plaintiff State of Louisiana

ERIC S. SCHMITT
Attorney General
D. JOHN SAUER *
Solicitor General
OFFICE OF THE MISSOURI
ATTORNEY GENERAL
Supreme Court Building
P.O. Box 899
Jefferson City, MO 65102
Phone: (573) 751-3321
John.Sauer@ago.mo.gov
Counsel for Plaintiff State of Missouri

TREG R. TAYLOR
Attorney General of Alaska
CORI M. MILLS*
Deputy Attorney General of Alaska
CHRISTOPHER A. ROBISON*
Assistant Attorney General
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, AK 99501-1994
chris.robison@alaska.gov
Counsel for Plaintiff State of Alaska

LESLIE RUTLEDGE

Arkansas Attorney General
NICHOLAS J. BRONNI*
Solicitor General
DYLAN L. JACOBS*
Deputy Solicitor General
OFFICE OF THE ARKANSAS
ATTORNEY GENERAL
323 Center Street, Suite 200
Little Rock, Arkansas 72201
(501) 682-2007
Nicholas.Bronni@arkansasag.gov
Dylan.Jacobs@arkansasag.gov
Counsel for Plaintiff State of Arkansas

CHRISTOPHER M. CARR

Attorney General of Georgia
STEPHEN J. PETRANY*
Solicitor General
OFFICE OF THE GEORGIA
ATTORNEY GENERAL
40 Capitol Square, SW
Atlanta, Georgia 30334
(404) 458-3408
spetrany@law.ga.gov
Counsel for Plaintiff State of Georgia

THEODORE E. ROKITA

Indiana Attorney General
BETSY M. DENARDI*
Director of Complex Litigation
Indiana Government Center South
302 W. Washington St., 5th Floor
Indianapolis, IN 46204
Betsy.DeNardi@atg.in.gov
Counsel for Plaintiff State of Indiana

DANIEL CAMERON

Attorney General of Kentucky
MARC MANLEY*
Associate Attorney General
KENTUCKY OFFICE OF THE
ATTORNEY GENERAL
700 Capital Avenue, Suite 118
Frankfort, Kentucky
Tel: (502) 696-5478
Counsel for Plaintiff Commonwealth of Kentucky

ASHLEY MOODY

Attorney General
JAMES H. PERCIVAL*
Deputy Attorney General of Legal Policy
OFFICE OF THE FLORIDA
ATTORNEY GENERAL
The Capitol, Pl-01
Tallahassee, Florida 32399-1050
Phone: (850) 414-3300
james.percival@myfloridalegal.com
Counsel for Plaintiff State of Florida

LAWRENCE G. WASDEN

Attorney General,
BRIAN KANE*
Chief Deputy Attorney General
OFFICE OF THE IDAHO ATTORNEY
GENERAL
700 W. Jefferson Street, Ste. 210
P.O. Box 83720
Boise, ID 83720
Telephone: (208) 334-2400
Email: Brian.Kane@ag.idaho.gov
Counsel for Plaintiff State of Idaho

DEREK SCHMIDT

Attorney General
DWIGHT R. CARSWELL*
Deputy Solicitor General
OFFICE OF THE KANSAS ATTORNEY
GENERAL
120 SW 10th Ave., 3rd Floor
Topeka, KS 66612-1597
dwight.carswell@ag.ks.gov
Counsel for Plaintiff State of Kansas

AUSTIN KNUDSEN

Attorney General
DAVID M.S. DEWHIRST*
Solicitor General
MONTANA DEPARTMENT OF JUSTICE
215 N Sanders St
Helena, MT 59601
P. (406) 444-2026
David.Dewhirst@mt.gov
Counsel for Plaintiff State of Montana

LYNN FITCH

Attorney General of Mississippi
JUSTIN L. MATHENY*

Deputy Solicitor General
OFFICE OF THE MISSISSIPPI
ATTORNEY GENERAL
P.O. Box 220
Jackson, MS 39205-0220
Tel: (601) 359-3680
justin.matheny@ago.ms.gov
Counsel for Plaintiff State of Mississippi

DOUGLAS J. PETERSON

Attorney General
JAMES A. CAMPBELL*
Solicitor General
OFFICE OF THE NEBRASKA ATTORNEY
GENERAL
2115 State Capitol
Lincoln, Nebraska 68509
Tel: (402) 471-2682
jim.campbell@nebraska.gov
Counsel for Plaintiff State of Nebraska

ALAN WILSON

South Carolina Attorney General
THOMAS T. HYDRICK*
Assistant Deputy Solicitor General
Post Office Box 11549
Columbia, SC 29211
(803) 734-4127
thomashydrick@scag.gov
Counsel for the State of South Carolina

BRIDGET HILL

Attorney General of Wyoming
RYAN SCHELHAAS*
Chief Deputy Attorney General
OFFICE OF THE WYOMING ATTORNEY
GENERAL
109 State Capitol
Cheyenne, WY 82002
Tel: (307) 777-5786
ryan.schelhaas@wyo.gov
Counsel for Plaintiff State of Wyoming

JOHN M. O'CONNOR

Attorney General of Oklahoma
BRYAN CLEVELAND*
Deputy Solicitor General
OKLAHOMA ATTORNEY GENERAL'S
OFFICE
313 NE 21st Street
Oklahoma City, OK 73105
Phone: (405) 521-3921
Counsel for Plaintiff State of Oklahoma

Sean D. Reyes

Utah Attorney General
Melissa Holyoak
Utah Solicitor General
350 N. State Street, Suite 230
P.O. Box 142320
Salt Lake City, UT 84114-2320
(801) 538-9600
melissaholyoak@agutah.gov
Counsel for Plaintiff State of Utah

PATRICK MORRISEY

Attorney General
LINDSAY SEE*
Solicitor General
OFFICE OF THE WEST VIRGINIA
ATTORNEY GENERAL
State Capitol, Bldg 1, Room E-26
Charleston, WV 25305
(681) 313-4550
Lindsay.S.See@wvago.gov
Counsel for Plaintiff State of West Virginia

* Pro hac vice application forthcoming

